

# **NOTICE!**

**The location of your  
polling place may have  
changed.**

**See the back cover for  
your polling place  
location.**

# Vote Both Sides

Special Statewide Election Orange County November 08, 2005		Precinct
	<b>76-State Spending and School Funding.</b> STATE SPENDING AND SCHOOL FUNDING LIMITS. INITIATIVE CONSTITUTIONAL AMENDMENT. Limits state spending to prior year's level plus three previous years' average revenue growth. Changes minimum school funding requirements (Proposition 98). Permits Governor, under specified circumstances, to reduce budget appropriations of Governor's choosing. Fiscal Impact: State spending likely reduced relative to current law, due to additional spending limit and new powers granted to Governor. Reductions could apply to schools and shift costs to other local governments. <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>79-Prescription Drug Discounts and Rebates.</b> PRESCRIPTION DRUG DISCOUNTS. STATE-NEGOTIATED REBATES. INITIATIVE STATUTE. Provides drug discounts to Californians with qualifying incomes. Funded by state-negotiated drug manufacturer rebates. Prohibits Medi-Cal contracts with manufacturers not providing Medicaid best price. Fiscal Impact: State costs for administration and outreach in low tens of millions of dollars annually. State costs for advance funding for rebates. Unknown potentially significant: (1) net costs or savings for Medi-Cal and (2) savings for state and county health programs. <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>MEASURES SUBMITTED TO THE VOTERS</b>		
<b>73-Termination of Minor's Pregnancy.</b> WAITING PERIOD AND PARENTAL NOTIFICATION BEFORE TERMINATION OF MINOR'S PREGNANCY. INITIATIVE CONSTITUTIONAL AMENDMENT. Amends California Constitution, defining and prohibiting abortion for unemancipated minor until 48 hours after physician notifies minor's parent/guardian, except in medical emergency or with parental waiver. Mandates reporting requirements. Authorizes monetary damages against physicians for violation. Fiscal Impact: Potential unknown net state costs of several million dollars annually for health and social services programs, the courts, and state administration combined. <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>77-Redistricting.</b> REDISTRICTING. INITIATIVE CONSTITUTIONAL AMENDMENT. Amends state Constitution's process for redistricting California's Senate, Assembly, Congressional and Board of Equalization districts. Requires three-member panel of retired judges selected by legislative leaders. Fiscal Impact: One-time state redistricting costs totaling no more than \$1.5 million and county costs in the range of \$1 million. Potential reduction in future costs, but net impact would depend on decisions by voters. <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>80-Electric Service Providers.</b> ELECTRIC SERVICE PROVIDERS. REGULATION. INITIATIVE STATUTE. Subjects electric service providers to regulation by California Public Utilities Commission. Restricts electricity customers' ability to switch from private utilities to other providers. Requires all retail electric sellers to increase renewable energy resource procurement by 2010. Fiscal Impact: Potential annual administrative costs ranging from negligible to \$4 million, paid by fees. Unknown net impact on state and local costs and revenues from uncertain impact on electricity rates. <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>74-Public School Teacher Permanent Status.</b> PUBLIC SCHOOL TEACHERS. WAITING PERIOD FOR PERMANENT STATUS. DISMISSAL. INITIATIVE STATUTE. Increases probationary period for public school teachers from two to five years. Modifies the process by which school boards can dismiss a teaching employee who receives two consecutive unsatisfactory performance evaluations. Fiscal Impact: Unknown net effect on school districts' costs for teacher compensation, performance evaluations, and other activities. Impact would vary significantly by district and depend largely on future district personnel actions. <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>78-Prescription Drugs.</b> DISCOUNTS ON PRESCRIPTION DRUGS. INITIATIVE STATUTE. Establishes discount prescription drug program for certain low- and moderate-income Californians. Authorizes Department of Health Services to contract with participating pharmacies for discounts and with participating drug manufacturers for rebates. Fiscal Impact: State costs for administration and outreach in the millions to low tens of millions of dollars annually. State costs for advance funding for rebates. Unknown potentially significant savings for state and county health programs. <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>B-Orange County Public Safety Sales Tax Ordinance.</b> Shall the ordinance requiring that the County's Proposition 172 sales tax revenues be allocated by the County only to eligible public safety services, defined as public safety services provided by the County of Orange, specifically the County Probation Department, including its juvenile hall detention facilities and its adult and juvenile offenders' monitoring programs; the County Sheriff-Coroner, including its adult correctional facilities, investigative divisions, specialized patrol functions and coroner investigation teams; the County District Attorney, including its prosecution and investigative units, and County lifeguards, be adopted? <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>75-Public Employee Union Dues.</b> PUBLIC EMPLOYEE UNION DUES. RESTRICTIONS ON POLITICAL CONTRIBUTIONS. EMPLOYEE CONSENT REQUIREMENT. INITIATIVE STATUTE. Prohibits using public employee union dues for political contributions without individual employees' prior consent. Excludes contributions benefitting charities or employees. Requires unions to maintain and, upon request, report member political contributions to the Fair Political Practices Commission. Fiscal Impact: Probably minor state and local government implementation costs, potentially offset in part by revenues from fines and/or fees. <input type="checkbox"/> Yes <input type="checkbox"/> No		

Sample Ballot

Sample Ballot

Vote Both Sides

# Vote Both Sides

Special Statewide Election Orange County November 08, 2005		Precinct	
Sample Ballot	<b>C-Orange County Homeland Infrastructure Ordinance.</b> Shall the ordinance shifting a portion of the County's Proposition 172 sales tax revenues from the County Sheriff-Coroner and District Attorney to the Orange County Homeland Security Infrastructure Fund and establishing the Homeland Security Infrastructure Oversight Committee, as described herein: commencing in fiscal year 2006-2007, \$10 million would be allocated to the Homeland Security Infrastructure Fund ("Homeland Security Fund"); in fiscal year 2009-2010 and every fiscal year thereafter, the County's \$10 million allocation to the Homeland Security Fund will increase or decrease by the same percentage as the prior fiscal year's increase or decrease in the amount of Proposition 172 sales tax revenues the County receives that is not allocated to cities ("County's Share"); this ordinance would create the Homeland Security Infrastructure Fund Oversight Committee, consisting of the County Sheriff, County District Attorney, Board of Supervisor's Chairman, Orange County Fire Chiefs' Association President and Orange County Police Chiefs' and Sheriffs' Association President; the Oversight Committee will submit to the County an annual recommendation for allocation of the Homeland Security Fund to public safety service providers authorized by California law to receive those funds; the remainder of the County's Proposition 172 funds may be allocated by the County to eligible public safety services as defined by the ordinance to mean those provided by the County of Orange, specifically the County Probation Department, including its juvenile hall detention facilities and its adult and juvenile offenders' monitoring programs; the County Sheriff-Coroner, including its adult correctional facilities, investigative divisions, specialized patrol functions and coroner investigation teams; the County District Attorney, including its prosecution and investigative units, and County lifeguards, be adopted?  <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>D-Initiative Reallocating Prop. 172 Funds.</b> Shall the ordinance shifting a portion of the County's Proposition 172 sales tax revenues from the County Sheriff-Coroner and District Attorney to the Orange County Fire Authority ("OCFA"), a joint powers agency serving 43% of the County's population in 22 of 34 cities and unincorporated territory, utilizing the following formula: the amount of Proposition 172 sales tax revenues the County receives that is not allocated to cities ("County's Share") in fiscal year 2004-2005 ("Base Year Amount") would be subtracted from the County's Share, beginning with the 2005-2006 fiscal year; if the resulting figure is a positive number, 50% of that amount would be allocated to OCFA, and 50% plus the Base Year Amount would be allocated to the County for allocation to public safety providers as provided by California law; however, for any year that the Base Year Amount is greater than the County's Share, OCFA would not be entitled to receive any of the County Share; the allocation formula would change once the amount paid to OCFA in any fiscal year equals 10% of the County's Share; thereafter, 10% of the County's Share would be allocated to OCFA, and 90% would be available for allocation by the County to public safety providers as provided by California law, be adopted?  <input type="checkbox"/> Yes <input type="checkbox"/> No	Sample Ballot
	<b>E-Reallocate Prop. 172 Funds Monitoring Juvenile Offenders.</b> Shall the ordinance shifting a portion of the County's Proposition 172 sales tax revenues from the County Sheriff-Coroner and District Attorney to the County Probation Department, utilizing the following formula: commencing with the 2005-2006 fiscal year and for each fiscal year thereafter, 5% of the County's share of Proposition 172 sales tax revenues during each such fiscal year will be allocated to the Probation Department and the remaining 95% would be available for allocation by the County to public safety service providers authorized by California law to receive those funds, be adopted?  <input type="checkbox"/> Yes <input type="checkbox"/> No		

**Per California Elections Code section 13204 the elections official  
is required to provide the following instructions to voters:**

To vote for a candidate whose name appears on the ballot, turn the select wheel to move the blue bar to highlight your choice and press the ENTER button. Where two or more candidates for the same office are to be elected, turn the select wheel to move the blue bar to highlight your choice and press the ENTER button after the names of all candidates for the office for whom you desire to vote, not to exceed, however, the number of candidates to be elected.

To vote for a qualified write-in candidate, turn the select wheel to move the blue bar to highlight the blank space provided for that purpose after the names of the other candidates for the same office and press the ENTER button to type the person's name.

To vote on any measure, turn the select wheel to move the blue bar to highlight your choice in the voting square after the word "Yes" or after the word "No" and press the ENTER button.

## **VOTER'S PAMPHLET**

The following pages contain

### **CANDIDATES' STATEMENTS**

together with

### **BALLOT MEASURES, ANALYSES, AND ARGUMENTS**

(whichever is applicable to your ballot)

This pamphlet contains a complete list of candidates. However, it may not contain a complete list of candidates' statements. Each candidate's statement in this pamphlet is volunteered by the candidate and is printed at the expense of the candidate unless otherwise determined by the governing body.

**ARGUMENTS IN SUPPORT OF OR IN OPPOSITION TO THE  
PROPOSED LAWS ARE THE OPINIONS OF THE AUTHORS**

**FULL TEXT OF MEASURE B  
COUNTY OF ORANGE**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA

THE PEOPLE OF THE COUNTY OF ORANGE HEREBY ORDAIN AND  
ENACT AS FOLLOWS:

**SECTION 1. TITLE**

This ordinance shall be known as the **ORANGE COUNTY PUBLIC SAFETY SALES TAX ELIGIBILITY ORDINANCE**.

**SECTION 2. FINDINGS AND DECLARATIONS**

- (a) The Local Public Safety Protection and Improvement Act of 1993, established by Proposition 172, codified at Article 13, Section 35 of the California Constitution, provides funding for local public safety services through imposition of a one-half cent sales tax.
- (b) Proposition 172 funding was intended to make up for the loss of county and city revenue resulting from 1992 State legislation that shifted property tax revenue from counties and cities to the Education Revenue Augmentation Fund ("ERAF") to help fund schools.
- (c) In Fiscal Year 2003-2004 the revenue lost to the County of Orange because of the ERAF shift was over \$261 million.
- (d) The Orange County Fire Department, now the Orange County Fire Authority, was exempt from the ERAF shift and for Fiscal Year 2003-2004 lost no revenue as a result of the ERAF shift.
- (e) Proposition 172, as implemented, gives authority to the County to allocate Proposition 172 sales tax revenues to public safety services.
- (f) The County currently allocates its Proposition 172 funds to the Sheriff's Department and the District Attorney's Office that both lost funding because of the ERAF shift and not to the Orange County Fire Authority that was exempt from the ERAF shift and lost no revenues because of ERAF.
- (g) The People of the County of Orange find that it is necessary and appropriate to provide a legislative guarantee that the County's Proposition 172 sales tax revenues shall be allocated only to the eligible countywide public safety services as provided in this Ordinance.
- (h) The Orange County Sheriff-Coroner Department provides countywide public-safety services, including crime prevention activities; dive team; forensic science services, including a state-of-the-art DNA analysis laboratory; communications, including the 800 MHz communications system used by every jurisdiction in the county; investigation of economic and computer crimes; enforcement of fugitive warrants; hazardous device squad; helicopter response; homicide detail; hostage negotiation; mounted patrol; narcotics detail; operation of county jail system, including jail inmate transportation; sexcrime and family-protection detail; coroner investigations; and courtroom security.
- (i) Dispatch calls to the Orange County Sheriff-Coroner Department in 2004 resulted in approximately 64,000 reports generated for investigation and disposition by the Sheriff's Department. The Orange County jail system is the third largest in California and eleventh largest in the nation. Approximately 5,900 felons and misdemeanants from every jurisdiction within the county are housed in the county's jails on any given day. This is a 9.3% increase over the previous year's headcount average. In fiscal year 2003-2004, 64,933 inmates were booked into the county jail system, a 4.84% increase over the prior year.
- (j) The Orange County Sheriff-Coroner Department is the lead agency for purposes of homeland security for the Orange County Operational Area, which encompasses the entire county and is comprised of 114 member agencies. Among its functions as lead agency for the County's anti-terrorism and homeland security efforts is the administration of the Terrorism Early Warning Group, which monitors trends and threats that could result in terrorist attacks anywhere in the county and integrates disease surveillance, essential to identifying biological terrorism, into its overall analysis of terrorist threats. The Sheriff's Department is also responsible for the preparation and adoption of the countywide Emergency Management Plan and the planning and staging of full-scale terrorism and other emergency-response exercises.
- (k) The residents of Orange County rely on the Orange County District Attorney to bring criminals to justice by initiating and conducting prosecutions for public offenses, as mandated by the California

Government Code. The District Attorney prosecutes felony and misdemeanor crimes, investigates criminal activity through partnerships with county law enforcement agencies, and processes petitions for juvenile wardship.

- (l) In 2004, the Orange County District Attorney prosecuted 78,405 defendants, including the prosecution of 8 cold-case murders, with a conviction rate in excess of 90%. The District Attorney is also responsible for representing the People of Orange County in certain civil matters before the courts, including major litigation aimed at protecting Orange County's groundwater supply from MTBE contamination from gasoline retailers.
- (m) The Orange County Probation Department is responsible for monitoring adult criminals and juvenile offenders, detaining juvenile offenders, enforcing court orders and collecting restitution for victims of crime across the county.
- (n) In 2004 the Probation Department actively supervised a monthly average of some 9,856 high-risk adult criminals, including sex offenders, and 4,182 juvenile offenders. The Probation Department discontinued supervision of 3,200 adult criminals in Fiscal Year 2003-2004 due to budget cuts that reduced its funding.
- (o) Daily there are approximately 800 juvenile offenders housed in the Probation Department's juvenile detention facilities. The Probation Department's Juvenile Court Division processes a monthly average of 375 juveniles for detention and 700 for supervision and conducts a monthly average of 130 investigations for the court. The Probation Department's Adult Court Division conducts a monthly average of 81 investigations for the court. There are over 450 adult sex offenders under the Probation Department's supervision and some 550 serious gang cases are under investigation by its Gang Violence Suppression Unit. The Probation Department confiscated 669 weapons in 2004.
- (p) California Elections Code section 9221 provides that if the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control.
- (q) This Ordinance is intended to be in conflict with and inconsistent with each and every provision of, and is intended as an alternative to, the "Initiative Reallocating a Portion of County Proposition 172 Funds from the County Sheriff-Coroner and District Attorney to the Orange County Fire Authority". Further, the People do intend that this Ordinance is in conflict with and is not complementary to any other measure on the same ballot that allocates any portion of the County's Proposition 172 sales tax revenues. *Taxpayers to Limit Campaign Spending v. FPCC*, 51 Cal. 3d 744 (1990); *Concerned Citizens v. City of Carlsbad*, 204 Cal. App. 3d 937 (1988).

**SECTION 3.** Article 4 of division 2 of Title 1 (commencing with Section 1-2-42) of the Codified Ordinances of Orange County is added to read:

**Section 1-2-42 Definitions**

For the purpose of this article, the following definitions shall apply:

"County" means County of Orange.

"County's Share" means the portion of the Public Safety Fund that is not allocated to cities.

"Eligible Public Safety Services" means the countywide public safety services provided by the County Probation Department, including its juvenile hall detention facilities and its adult and juvenile offenders' monitoring programs; the County's Sheriff-Coroner Department, including its adult correctional facilities, investigative divisions, specialized patrol functions and coroner investigation teams; the County's District Attorney's Office, including its prosecution and investigative units; County lifeguards; and no other public safety services defined by the Law or permitted by the Law to receive Proposition 172 sales tax revenues.

"Law" means the local Public Safety Fund Law (California Government Code Title 3, Division 3, Chapter 6.5, Section 30051 *et seq.*), as may be amended from time to time, and as intended as the legislature's implementation of Article XIII, Section 35 of the California Constitution.

"Public Safety Fund" means the Public Safety Augmentation Fund created in the County Treasury pursuant to the terms of the Law.

**SECTION 1-2-43 Allocation of County Share of the Public Safety Fund**

The County shall annually allocate and appropriate the County's Share of the Public Safety Fund only to Eligible Public Safety Services as defined by this Ordinance.

**SECTION 4. COMPETING MEASURES**

Notwithstanding any provision or provisions in any other measure on the same ballot, the People intend that this Ordinance is in conflict with and is inconsistent with each and every provision of, and is intended as an alternative to, the "Initiative Reallocating a Portion of the County Proposition 172 funds from the County Sheriff-Coroner and District Attorney to the Orange County Fire Authority" or any other competing measures on the same ballot as this measure that purports to allocate any portion of the County's Proposition 172 sales tax revenue.

#### SECTION 5. SEVERABILITY

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The People of Orange County hereby declare that they would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsection, subdivision, sentence, clause, phrase, or portions thereof be declared invalid or unconstitutional.

### IMPARTIAL ANALYSIS BY COUNTY COUNSEL MEASURE B

In 1993, California voters approved the Local Public Safety Protection and Improvement Act of 1993 (Proposition 172), a constitutional amendment, directing that proceeds of a one-half cent statewide sales tax be used only for local public safety services. Qualified counties, including Orange County, receive allocations of Proposition 172 funds from the State. Within each qualified county, the Proposition 172 funds are allocated to cities that provide local public safety services, and the remainder is allocated to the county. Proposition 172 funds must be used for public safety services as specified in California law, including sheriffs, police, fire protection, county district attorneys, county corrections and ocean lifeguards. Currently, Orange County's share of Proposition 172 funds that is not allocated to the cities (the "County's Share") is allocated to the County Sheriff-Coroner and District Attorney for law enforcement services.

If this measure is adopted, the current allocation could continue. The County would be limited to allocating the County's Share to the eligible public safety services provided by the County, specifically, the County Probation Department (including juvenile hall and adult and juvenile offenders' monitoring programs), the County Sheriff-Coroner (including adult correctional facilities, investigative divisions, specialized patrol functions and coroner investigation teams), the County District Attorney (including prosecution and investigation units) and County lifeguards.

The measure provides that it is in conflict with and intended as an alternative to competing measures on the ballot that allocate any portion of the County's Proposition 172 funds, including the Initiative Reallocating a Portion of the County's Proposition 172 Funds From the County Sheriff-Coroner and District Attorney to the Orange County Fire Authority (Measure D).

## MEASURE B

### Orange County Public Safety Sales Tax Eligibility Ordinance Fiscal Impact Statement

If passed, there would be no overall fiscal effect to the amount of revenues available to support countywide public safety services provided by the County of Orange (County). In addition, there would be no cost to the County to implement the measure.

This measure would eliminate the discretion of the Board of Supervisors to allocate Proposition 172 funds to public safety services that are not provided for in the measure. The measure specifically identifies the County Sheriff-Coroner Department, the County District Attorney's Office, the County Probation Department, and County lifeguards as the only public safety services eligible to receive the County's share of Proposition 172 sales tax revenues. Historically, County distributions of Proposition 172 funds have allocated 80 percent of the revenues to the Sheriff and 20 percent to the District Attorney.

In 1993, the California voters approved the Local Public Safety Protection and Improvement Act of 1993 (Proposition 172) as a mitigation measure to offset the impact of the Education Revenue Augmentation Fund (ERAF) shifts on municipal budgets. In 1992 and 1993, the California Legislature and Governor instructed county auditors to shift the allocation of local property tax revenues away from local government to ERAF for the benefit of schools. The allocation formula is based on the proportionate share of net property tax loss due to the ERAF shifts. The following table illustrates the relationship between these ERAF shifts and Proposition 172 County revenues:

Year	ERAF	Proposition 172	Variance
1992-93	\$(14,527,988)	--	\$(14,527,988)
1993-94	(159,328,571)	\$130,357,584	(28,970,987)
1994-95	(157,840,022)	141,143,489	(16,696,533)
1995-96	(158,216,656)	152,494,439	(5,722,217)
1996-97	(159,372,366)	161,186,301	1,813,935
1997-98	(164,444,481)	173,665,323	9,220,842
1998-99	(174,106,932)	184,049,906	9,942,974
1999-00	(188,481,617)	209,748,928	21,267,311
2000-01	(206,551,203)	223,604,856	17,053,653
2001-02	(225,274,561)	213,607,460	(11,667,101)
2002-03	(244,917,635)	219,562,310	(25,355,325)
2003-04	(261,247,391)	236,946,901	(24,300,490)
2004-05	<u>(283,310,895)</u>	<u>262,101,986</u>	<u>(21,208,909)</u>
	<u>\$(2,397,620,318)</u>	<u>\$2,308,469,483</u>	<u>\$(89,150,835)</u>

There are no plans in the State for reducing or eliminating these ERAF shifts. A separate shift, not illustrated in the table above, took \$27,730,861 from the County's 2004-05 budget and will take an additional \$27,730,861 from the 2005-06 budget. Future Proposition 172 revenues over the next eleven years, based on the Chapman University forecast are as follows:

	Estimated Proposition 172 Sales Tax Revenues		Estimated Proposition 172 Sales Tax Revenues
2004-05	\$262,101,986	2010-11	\$345,914,960
2005-06	276,255,493	2011-12	361,827,049
2006-07	288,963,246	2012-13	378,471,093
2007-08	302,255,555	2013-14	395,880,763
2008-09	316,159,311	2014-15	414,091,278
2009-10	330,702,639	2015-16	433,139,477

If passed, this measure would require that none of these revenues nor any other future revenues resulting from Proposition 172 would be expended for public safety services that were not part of County government as defined by the measure.

The County's "discretionary" funding for public safety programs is budgeted at \$182,652,995 for 2005-06. When added to Proposition 172 funds, spending for public safety will amount to about \$458,908,488. Accordingly, Proposition 172 funding represents approximately 60% of the County's budget that is used to support the County's public safety programs. Passage of this measure would limit future funding reductions to these programs by eliminating the Board of Supervisors' ability to transfer Proposition 172 funds to non-County entities.

David E. Sundstrom  
County Auditor-Controller

## ARGUMENT IN FAVOR OF MEASURE B

Your YES vote on Measure B will protect our county law enforcement funds from being raided.

In 1993, the voters of Orange County passed Proposition 172 to provide county sales tax revenue for public safety services as determined by each county based on need. In Orange County, these funds are distributed to public safety agencies that provide services to all of Orange County and are a critical source of revenue for the Orange County Sheriff's Department and the District Attorney's Office.

Proposition 172 monies are vital to the protection of public safety in Orange County. They are used to pay for Deputy Sheriff's patrols, crime prevention services, anti-gang measures, and the investigation and prosecution of violent criminals.

Unfortunately, Orange County Fire Authority bureaucrats are trying to raid our Proposition 172 funds. The Fire Authority, which only serves 43% of Orange County, is already flush with money because, they are largely funded by property tax revenue ... and soaring Orange County real estate is providing them a windfall.

If successful, THIS TAX GRAB WOULD RESULT IN REDUCED LAW ENFORCEMENT SERVICES for all Orange County residents.

Losing our Proposition 172 monies would mean fewer law enforcement patrols in our neighborhoods, fewer prosecutors in our courts, and more criminals on our streets.

Measure B will prevent this nightmare scenario for the people of Orange County by ensuring that Proposition 172 monies can only be used for county law enforcement and crime prevention services.

Measure B will keep our county law enforcement tax dollars where they belong—fighting crime and protecting our communities.

PLEASE JOIN LAW ENFORCEMENT AND CRIME VICTIMS IN VOTING YES ON MEASURE B.

s/ Mike Carona  
Orange County Sheriff

s/ Chris Norby  
Orange County Supervisor

s/ Dick Ackerman  
State Senator-Minority Leader

s/ Paul Martin Walters  
Chief of Police Santa Ana Police

s/ Genelle Reilley  
Board Member, Crime Victims United

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE B

Measure B does not provide a single penny for fire fighters, despite the voters being promised during the statewide campaign for Proposition 172 that a portion of Proposition 172 funds would be used for fire protection services.

Measure B would allow the Board of Supervisors to **continue ignoring the voters' instructions** – your instructions. When the citizens of Orange County voted for Proposition 172 following the devastating fire storms in Laguna Beach in 1993, it was the voters' intent that **fire protection** would receive a portion of Proposition 172 funds.

Don't allow the Board of Supervisors to get away with this shameful and deceptive hoax and their same old scare tactics.

When you need fire fighters and paramedics, they are there to help you. Now, paramedics and fire fighters need **your** help.

For more information and to help support the firefighters go to:

[www.Firefightersforpublicsafety.com](http://www.Firefightersforpublicsafety.com)

Please vote NO on Measure B.

s/ Ken Blake, Mayor of the City of La Palma

s/ James V. Lacy, Dana Point City Council

s/ Richard Chavez, Mayor Pro Tem of the City of Anaheim

s/ Mike Boyle, President of the Orange County Fire Authority Chief Officer's Association

s/ Joe Kerr, President of the Orange County Professional Firefighters' Association



## ARGUMENT AGAINST MEASURE B

Don't be fooled by the Supervisors' attempts to trick you. Measure B does not provide a single penny for fire fighters. Measure B was placed on the ballot by the Supervisors to confuse you.

In 1993, while homes burned in Laguna Beach, voters in Orange County adopted Proposition 172, which extended a half-cent sales tax to be used exclusively to fund **fire protection**, police and other public safety programs. As indicated in the statewide ballot pamphlet argument printed in favor of Proposition 172, the voters were **promised** that a portion of Proposition 172 funds would go to **fire protection**.

Since the passage of Proposition 172, over \$2 billion in funds have been given to the County, yet the Supervisors have failed to provide a single penny from the Proposition 172 fund for fire protection.

Measure B **does not provide a single penny for increased paramedic service, or fire protection**. The only thing it does is allow the Supervisors to break a promise made to the voters in 1993 that fire fighters would receive some of the Proposition 172 funds.

Because of the Supervisors' refusal to provide a single penny of Proposition 172 funds for fire protection, your Orange County Fire Authority firefighters are forced to use aging Vietnam-era helicopters, twenty year-old trucks and over half of your Orange County Fire Authority fire stations are understaffed.

Your fire fighters and paramedics have always been there for you. Today they need your help.

Please vote **NO ON MEASURE B**.

s/ Ken Blake, Mayor of the City of La Palma

s/ James Lacy, Dana Point City Council

s/ State Senator Bill Morrow

s/ Mike Boyle, President of the Orange County Fire Authority Chief Officer's Association

s/ Joe Kerr, President of the Orange County Professional Firefighters

## REBUTTAL TO ARGUMENT AGAINST MEASURE B

The argument against Measure B is filled with half-truths and misleading statements. Here are three good reasons to SUPPORT MEASURE B.

1. PREVENT DOUBLE DIPPING--Measure B will prevent the Orange County Fire Authority from "double dipping" in local tax monies.

Unlike county law enforcement, the Fire Authority receives millions of dollars from dedicated property taxes paid by local homeowners. Now, they want to take our sales tax monies as well.

2. STOP THE TAX GRAB--Measure B will ensure that our Proposition 172 sales tax revenues are used for public safety services that benefit ALL the people of Orange County.

The Fire Authority is a regional special district that serves only 43% of Orange County's population, yet they want to force 100% of Orange County taxpayers to pay their tab. Measure B will stop this unfair tax grab.

3. FIGHT CRIME--Measure B will ensure that county public safety dollars are used for neighborhood patrols, anti-gang programs and other vital law enforcement services needed to combat crime.

The number of fires and emergency response calls handled by the Fire Authority has DECLINED significantly in the past decade. During this same period, the Fire Authority has substantially INCREASED its spending—including \$50 million for a luxurious Administration building, described as the "Taj Mahal" of Orange County.

Measure B will prevent this free-spending Fire Authority from diverting county resources away from needed crime fighting services that benefit all Orange County residents.

Police, Prosecutors and Crime Victims ask you to VOTE YES on MEASURE B.

s/ Mike Carona  
Orange County Sheriff

s/ Chris Norby  
Orange County Supervisor

s/ Miguel A. Pulido  
Mayor, City of Santa Ana

s/ Bruce W. Whitaker  
Founder, Fullerton Association of Concerned Taxpayers

s/ Genelle Reilley  
Board Member Crime Victims United

**FULL TEXT OF MEASURE C  
COUNTY OF ORANGE**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA

THE PEOPLE OF THE COUNTY OF ORANGE HEREBY ORDAIN AND  
ENACT AS FOLLOWS:

**SECTION 1. TITLE**

This ordinance shall be known as the ORANGE COUNTY HOMELAND SECURITY INFRASTRUCTURE FUND ORDINANCE.

**SECTION 2. FINDINGS AND DECLARATIONS**

- (a) The Local Public Safety Protection and Improvement Act of 1993, established by Proposition 172, codified at Article 13, Section 35 of the California Constitution, provides funding for local public safety services through imposition of a one-half cent sales tax.
- (b) Proposition 172 funding was intended to make up for the loss of county and city revenue resulting from 1992 State legislation that shifted property tax revenue from counties and cities to the Education Revenue Augmentation Fund ("ERAF") to help fund schools.
- (c) In Fiscal Year 2003-2004 the revenue lost to the County of Orange because of the ERAF shift was over \$261 million.
- (d) The Orange County Fire Department, now the Orange County Fire Authority, was exempt from the ERAF shift and for Fiscal Year 2003-2004 lost no revenue as a result of the ERAF shift.
- (e) Proposition 172, as implemented, gives authority to the County to allocate Proposition 172 sales tax revenues to public safety services.
- (f) The County currently allocates its Proposition 172 funds to the Sheriff's Department and the District Attorney's Office that both lost funding because of the ERAF shift and not to the Orange County Fire Authority that was exempt from the ERAF shift and lost no revenues because of ERAF.
- (g) Since September 11, 2001, there has been an ever-increasing need for the County and other local public safety agencies to invest funds for the purchase of high technology equipment, capital projects and other equipment for the detection and prevention of terrorism and crime, and to secure the County from disruption or damage to its critical infrastructures and communications systems by illegal activities and/or natural disasters.
- (h) The Orange County Sheriff-Coroner Department provides countywide public-safety services, including crime prevention activities; dive team; forensic science services, including a state-of-the-art DNA analysis laboratory, communications, including the 800 MHz communications systems used by every jurisdiction in the county; investigation of economic and computer crimes; enforcement of fugitive warrants; hazardous device squad; helicopter response; homicide detail; hostage negotiation; mounted patrol; narcotics detail; operation of county jail system, including jail inmate transportation; sexcrime and family-protection detail; coroner investigations; and courtroom security.
- (i) Dispatch calls to the Orange County Sheriff-Coroner Department in 2004 resulted in approximately 64,000 reports generated for investigation and disposition by the Sheriff's Department. The Orange County jail system is the third largest in California and eleventh largest in the nation. Approximately 5,900 felons and misdemeanants from every jurisdiction within the county are housed in the county's jails on any given day. This is a 9.3% increase over the previous year's headcount average. In fiscal year 2003-2004, 64,933 inmates were booked into the county jail system, a 4.84% increase over the prior year.
- (j) The Orange County Sheriff-Coroner Department is the lead agency for purposes of homeland security for the Orange County Operational Area, which encompasses the entire county and is comprised of 114 member agencies. Among its functions as lead agency for the County's anti-terrorism and homeland security efforts is the administration of the Terrorism Early Warning Group, which monitors trends and threats that could result in terrorist attacks anywhere in the county and integrates disease surveillance, essential to identifying biological terrorism, into its overall analysis of terrorist threats. The Sheriff's Department is also responsible for the preparation and adoption of the countywide Emergency Management Plan and the planning and staging of full-scale terrorism and other emergency-response exercises.

- (k) The residents of Orange County rely on the Orange County District Attorney to bring criminals to justice by initiating and conducting prosecutions for public offenses, as mandated by the California Government Code. The District Attorney prosecutes felony and misdemeanor crimes, investigates criminal activity through partnerships with county law enforcement agencies, and processes petitions for juvenile wardship.
- (l) In 2004, the Orange County District Attorney prosecuted 78,405 defendants, including the prosecution of 8 cold-case murders, with a conviction rate in excess of 90%. The District Attorney is also responsible for representing the People of Orange County in certain civil matters before the courts, including major litigation aimed at protecting Orange County's groundwater supply from MTBE contamination from gasoline retailers.
- (m) The Orange County Probation Department is responsible for monitoring adult criminals and juvenile offenders, detaining juvenile offenders, enforcing court orders and collecting restitution for victims of crime across the county.
- (n) In 2004 the Probation Department actively supervised a monthly average of some 9,856 high-risk adult criminals, including sex offenders, and 4,182 juvenile offenders. The Probation Department discontinued supervision of 3,200 adult criminals in Fiscal Year 2003-2004 due to budget cuts that reduced its funding.
- (o) Daily there are approximately 800 juvenile offenders housed in the Probation Department's juvenile detention facilities. Probation Department's Juvenile Court Division processes a monthly average of 375 juveniles for detention and 700 for supervision and conducts a monthly average of 130 investigations for the court. The Probation Department's Adult Court Division conducts a monthly average of 81 investigations for the court. There are over 450 adult sex offenders under the Probation Department's supervision and some 550 serious gang cases are under investigation by its Gang Violence Suppression Unit. The Probation Department confiscated 669 weapons in 2004.
- (p) The people of the County of Orange find that it is necessary and appropriate to provide a legislative guarantee that a portion of the County's Proposition 172 sales tax revenues be allocated for the purchase of the latest technology, capital projects and other equipment to strengthen the County's homeland security and protection.
- (q) California Elections Code section 9221 provides that if the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control.
- (r) This ordinance is intended to be in conflict with and inconsistent with each and every provision of, and is intended as an alternative to, the "Initiative Reallocating a Portion of County Proposition 172 Funds from the County Sheriff-Coroner and District Attorney to the Orange County Fire Authority". Further, the People do intend that this ordinance is in conflict with and is not complementary to any other measure on the same ballot that allocates any portion of the County's Proposition 172 sales tax revenues. *Taxpayers to Limit Campaign Spending v. FPPC*, 51 Cal. 3d 744 (1990); *Concerned Citizens v. City of Carlsbad*, 204 Cal. App. 3d 937 (1988).

SECTION 3. Article 16 of division 4 of Title 1 (commencing with Section 1-4-300) of the Codified Ordinances of Orange County is added to read:

**Section 1-4-300. Definitions**

For the purpose of this article, the following definitions shall apply:

"County" means County of Orange.

"County's Share" means the portion of the Public Safety Fund that is not allocated to cities.

"Eligible Public Safety Services" means the countywide public safety services provided by the County Probation Department, including its juvenile hall detention facilities and its adult and juvenile offenders' monitoring programs; the County's Sheriff-Coroner Department, including its adult correctional facilities, investigative divisions, specialized patrol functions and coroner investigation teams; the County's District Attorney's Office, including its prosecution and investigative units; County lifeguards; and no other public safety services defined by the Law or permitted by the Law to receive Proposition 172 sales tax revenues.

"Law" means the local Public Safety Fund Law (California Government Code Title 3, Division 3, Chapter 6.5, Section 30051 *et seq.*) as may be amended from time to time, and as intended as the legislature's implementation of Article XIII, Section 35 of the California Constitution.

"Public Safety Fund" means the Public Safety Augmentation Fund created in the County Treasury pursuant to the terms of the Law.

#### SECTION 1-4-261. Homeland Security Infrastructure Fund

- (a) The Homeland Security Infrastructure Fund is hereby created in the County Treasury.
- (b) Commencing in the fiscal year 2006-2007 and in each fiscal year thereafter, the County shall allocate \$10 million of the County's Share of Proposition 172 sales tax revenues to the Homeland Security Infrastructure Fund and the remainder of the County's Share shall be allocated to Eligible Public Safety Services as defined by this Ordinance. In fiscal year 2009-2010 and for each fiscal year thereafter, the County's \$10 million allocation to the Homeland Security Infrastructure Fund will increase or decrease by the same percentage as the previous fiscal year's increase or decrease in the County's Share of Proposition 172 sales tax revenues.

#### SECTION 1-4-262. Allocation of Homeland Security Infrastructure Fund

- (a) Monies in Homeland Security Infrastructure Fund shall be annually allocated and appropriated by the County to public safety services as defined by the Law for Capital Projects, Equipment and/or other Tangible Items that improve, enhance or augment the County's homeland security as recommended by the Homeland Security Infrastructure Fund Oversight Committee.

- (b) No money in the Homeland Security Infrastructure Fund shall be allocated or appropriated for employee salaries or benefits.

#### SECTION 1-4-263. Establishment and Duties of Homeland Security Infrastructure Fund Oversight Committee

- (a) The Homeland Security Infrastructure Fund Oversight Committee (the "Oversight Committee") shall consist of the following five (5) members:
1. County Sheriff
  2. County District Attorney
  3. Chairman, Orange County Board of Supervisors
  4. President, Orange County Fire Chiefs' Association
  5. President, Orange County Police Chiefs' and Sheriffs' Association
- (b) Each year after adoption of this ordinance, on or before the County's Budget Hearings for the next fiscal year, the Oversight Committee shall submit to the County a recommendation for the allocation and appropriation of the Homeland Security Infrastructure Fund.
- (c) The Oversight Committee shall meet at such times and places as it determines, and shall appoint such committees as it deems necessary, in order to make its annual recommendation to the County
- (d) The Oversight Committee shall adopt policies and procedures for public safety services as defined by the Law to submit proposals each year for the expenditure of Homeland Security Infrastructure Fund monies, including capital projects and equipment for the improvement, enhancement and/or augmentation of the County's homeland security, for the Oversight Committee's consideration in making its recommendations to the County.

#### SECTION 4. COMPETING MEASURES

Notwithstanding any provision or provisions in any other measure on the same ballot, the People intend that this ordinance is in conflict with and is inconsistent with each and every provision of, and is intended as an alternative to, the "Initiative Reallocating a Portion of the County Proposition 172 funds from the County Sheriff-Coroner and District Attorney to the Orange County Fire Authority" or any other competing measures on the same ballot as this measure that purports to allocate any portion of the county's Proposition 172 sales tax revenue.

#### SECTION 5. SEVERABILITY

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The People of Orange County hereby declare that they would have adopted this ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsection, subdivision, sentence, clause, phrase, or portions thereof be declared invalid or unconstitutional.

### IMPARTIAL ANALYSIS BY COUNTY COUNSEL MEASURE C

In 1993, California voters approved the Local Public Safety Protection and Improvement Act of 1993 (Proposition 172), a constitutional amendment, directing that proceeds of a one-half cent statewide sales tax be used only for local public safety services. Qualified counties, including Orange County, receive allocations of Proposition 172 funds from the State. Within each qualified county, the Proposition 172 funds are allocated to cities that provide local public safety services, and the remainder is allocated to the county. Proposition 172 funds must be used for public safety services as specified in California law, including sheriffs, police, fire protection, county district attorneys, county corrections and ocean lifeguards. Currently, Orange County's share of Proposition 172 funds that is not allocated to the cities (the "County's Share") is allocated to the County Sheriff-Coroner and District Attorney for law enforcement services.

If the measure is adopted, beginning with the 2006-2007 fiscal year, \$10 million of the County's Share would be shifted to the Homeland Security Infrastructure Fund (the "Homeland Security Fund") in the County Treasury. Beginning with the 2009-2010 fiscal year, the \$10 million allocation to the Homeland Security Fund would be adjusted annually to reflect changes in the County's Share, and would increase or decrease by the same percentage as the prior fiscal year's increase or decrease in the County's Share.

The Homeland Security Fund would be required to be expended for capital projects and equipment that improve the County's homeland security by providers of public safety services as specified in California law, including sheriffs, police, fire protection, county district attorneys, county corrections and ocean lifeguards. The measure further provides that the Homeland Security Fund shall not be allocated for employee salaries or benefits.

The rest of the County's Share that is not allocated to the Homeland Security Fund would be available for allocation by the County only to eligible public safety services as specified in the measure, namely, the County Probation Department (including juvenile hall and adult and juvenile offenders' monitoring programs), the County Sheriff-Coroner (including adult correctional facilities, investigative divisions, specialized patrol functions and coroner investigation teams), the County District Attorney (including prosecution and investigation units) and County lifeguards.

The measure would establish a five member Homeland Security Infrastructure Fund Oversight Committee (the "Committee"), consisting of the County Sheriff, the County District Attorney, the Chairman of the Orange County Board of Supervisors, the President of the Orange County Fire Chiefs' Association and the President of the Orange County Police Chiefs' and Sheriffs' Association. After consideration of proposals by public safety service providers, the Committee would make recommendations annually to the County for allocation of the Homeland Security Fund.

The measure provides that it is in conflict with and is intended as an alternative to competing measures on the ballot that allocate any portion of the County's Proposition 172 funds, including the Initiative Reallocating a Portion of the County's Proposition 172 Funds From the County Sheriff-Coroner and District Attorney to the Orange County Fire Authority (Measure D).

**MEASURE C**  
**Orange County Homeland Security Infrastructure Fund Ordinance**  
**Fiscal Impact Statement**

If passed, there would be no fiscal effect to the amount of revenues available to support countywide public safety programs provided by the County of Orange (County). The measure would restrict a portion of the Proposition 172 funds to expenditures for capital projects and equipment that improve the County's homeland security as recommended by the Homeland Security Infrastructure Fund Oversight Committee. In addition, there would be estimated administrative costs to the County of less than \$1,000 per year to implement the measure.

This measure would establish a Homeland Security Infrastructure Fund by annually allocating \$10 million of the County's share of Proposition 172 revenue starting in fiscal year 2006-07. The allocation would increase or decrease each year, beginning fiscal year 2009-10, by the same percentage as the previous fiscal year's increase or decrease in the County's share of Proposition 172 sales tax revenues.

In 1993, the California voters approved the Local Public Safety Protection and Improvement Act of 1993 (Proposition 172) as a mitigation measure to offset the impact of the Education Revenue Augmentation Fund ("ERAF") shifts on municipal budgets. In 1992 and 1993, the California Legislature and Governor instructed county auditors to shift the allocation of local property tax revenues away from local government to ERAF for the benefit of schools. The allocation formula is based on the proportionate share of net property tax loss due to the ERAF shifts. The following table illustrates the relationship between these ERAF shifts and Proposition 172 County revenues:

Year	ERAF	Proposition 172	Variance
1992-93	\$(14,527,988)	--	\$(14,527,988)
1993-94	(159,328,571)	\$130,357,584	(28,970,987)
1994-95	(157,840,022)	141,143,489	(16,696,533)
1995-96	(158,216,656)	152,494,439	(5,722,217)
1996-97	(159,372,366)	161,186,301	1,813,935
1997-98	(164,444,481)	173,665,323	9,220,842
1998-99	(174,106,932)	184,049,906	9,942,974
1999-00	(188,481,617)	209,748,928	21,267,311
2000-01	(206,551,203)	223,604,856	17,053,653
2001-02	(225,274,561)	213,607,460	(11,667,101)
2002-03	(244,917,635)	219,562,310	(25,355,325)
2003-04	(261,247,391)	236,946,901	(24,300,490)
2004-05	<u>(283,310,895)</u>	<u>262,101,986</u>	<u>(21,208,909)</u>
	<u>\$(2,397,620,318)</u>	<u>\$2,308,469,483</u>	<u>\$(89,150,835)</u>

There are no plans in the State for reducing or eliminating these ERAF shifts. A separate shift, not illustrated in the table above, took \$27,730,861 from the County's 2004-05 budget and will take an additional \$27,730,861 from the 2005-06 budget.

This measure would not affect the total funding for countywide public safety programs. It would, however, transfer authority for recommending how a portion of the funds is to be spent to a five member oversight committee. The following table illustrates allocations to the Homeland Security Infrastructure Fund. Future Proposition 172 revenues are based on a Chapman University forecast.

	Estimated Proposition 172 Sales Tax Revenues	Estimated Allocations to The Homeland Security Infrastructure Fund		Estimated Proposition 172 Sales Tax Revenues	Estimated Allocations to The Homeland Security Infrastructure Fund
2004-05	\$262,101,986		2010-11	\$345,914,960	\$10,941,160
2005-06	276,255,493		2011-12	361,827,049	11,444,453
2006-07	288,963,246	\$10,000,000	2012-13	378,471,093	11,970,898
2007-08	302,255,555	10,000,000	2013-14	395,880,763	12,521,560
2008-09	316,159,311	10,000,000	2014-15	414,091,278	13,097,551
2009-10	330,702,639	10,460,000	2015-16	433,139,477	<u>13,700,039</u>
			Ten Year Total		<u>\$114,135,661</u>

If passed, this measure would require that approximately \$114,135,661 of the County's share of Proposition 172 revenues be used for capital projects and equipment that improve, enhance, or augment the County's homeland security as recommended by the oversight committee over the next ten years.

David E. Sundstrom  
County Auditor-Controller



## ARGUMENT IN FAVOR OF MEASURE C

If the tragic terrorist attacks of September 11, 2001 were a wake-up call for America, the recent attacks on the city of London serve as a reminder that we live in dangerous times and ORANGE COUNTY MUST BE PREPARED TO COPE WITH THIS NEW THREAT TO OUR COMMUNITY.

As both a major population center and tourist destination, Orange County is an inviting target for those who seek to create havoc and instill fear.

YOUR YES VOTE ON MEASURE C will help make sure that those we entrust to provide for public safety will have the tools they need to keep our county safe.

Measure C will create a new Homeland Security Infrastructure Fund in the county treasury. Starting in the 2006-2007 fiscal year, ten million dollars will be appropriated out of the county's share of Proposition 172 sales tax revenue into the fund.

Measure C will allow all eligible County Public Safety Services throughout the County to submit proposals for capital projects and equipment to be funded out of the Infrastructure Fund.

The requests for funding will be evaluated and rated by an Oversight Committee comprised of the Orange County District Attorney, the Orange County Sheriff, the president of the Orange County Fire Chiefs Association, the president of the Orange County Police Chiefs Association and the Chairman of the Orange County Board of Supervisors.

NONE of the ten million dollars can be spent on salaries or benefits

Each year the most important projects for Orange County Homeland Security will be funded. YOUR YES VOTE ON MEASURE C will help keep Orange County safe from terrorist attack.

s/ Tom Wilson  
Vice Chairman Orange County Board of Supervisors

s/ Gary R. Adams  
Lieutenant Colonel (RET) USAR

s/ John "Rocky" Hewitt, Ph.D.  
Orange County Assistant Sheriff Retired

s/ Stephen James  
President-Southern California Alliance of Law Enforcement

s/ Gregory Palmer  
President, Anaheim Police Association

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE C

Measure C does nothing to protect against the threat of terrorist attacks. The tragic events of 9-11, and more recently the horrible events in Madrid and London, demonstrate the vital importance of fire fighters and paramedics in saving innocent lives put in harm's way by terrorists bent on ruining our way of life.

But Measure C doesn't guarantee that a single penny will be provided for increased fire protection. The only thing Measure C does is allow the Board of Supervisors to continue breaking promises made to California voters in 1993 during the campaign for Proposition 172 that fire fighters would receive their fair share of Proposition 172 revenues.

Measure C creates a new government bureaucracy, composed of highly paid career politicians, whose only function is making "recommendations" to the Supervisors.

Your fire fighters don't need another bureaucracy telling them how to save your lives and homes from destruction. Your fire fighters need the materials and tools to do so!

Don't be mislead by county bureaucrats' scare tactics. Put your tax dollars to work where they will provide you with the greatest degree of safety and protection. Don't vote to put tax dollars into another government bureaucracy.

For more information on go to:

[www.Firefightersforpublicsafety.com](http://www.Firefightersforpublicsafety.com)

When you need paramedics and fire fighters, they are there for you. Now, paramedics and fire fighters need your help.

Please vote NO on Measure C.

s/ Ken Blake, Mayor of the City of La Palma

s/ James V. Lacy, Dana Point City Council

s/ Richard Chavez, Mayor Pro Tem of the City of Anaheim

s/ Mike Boyle, President of the Orange County Fire Authority Chief Officer's Association

s/ Joe Kerr, President of the Orange County Professional Firefighters' Association

## ARGUMENT AGAINST MEASURE C

Don't be fooled by the Supervisors' attempts to trick you. ***This measure may lead to new taxes.*** Measure C does not provide a single penny for fire fighters. Measure C was placed on the ballot by the Supervisors to confuse you.

In 1993, while homes burned in Laguna Beach, voters in Orange County adopted Proposition 172, which extended a half-cent sales tax to be used exclusively to fund ***fire protection***, police and other public safety programs. As indicated in the statewide ballot pamphlet argument printed in favor of Proposition 172, the voters were ***promised*** that a portion of Proposition 172 funds would go to ***fire protection***.

Since the passage of Proposition 172, over \$2 billion in funds have been given to the County, yet the Supervisors have failed to provide a single penny from the Proposition 172 fund for fire protection.

Measure C ***does not provide a single penny for increased paramedic service, or fire protection.*** The only thing it does is allow the Supervisors to break a promise made to the voters in 1993 that fire fighters would receive some of the Proposition 172 funds.

Because of the Supervisors' refusal to provide a single penny of Proposition 172 funds for fire protection, your Orange County Fire Authority firefighters are forced to use aging equipment and over half of your Orange County Fire Authority fire stations are understaffed.

Your fire fighters and paramedics have always been there for you. Today they need your help.

Please vote **NO ON MEASURE C.**

s/ Ken Blake, Mayor of the City of La Palma

s/ James Lacy, Dana Point City Council

s/ State Senator Bill Morrow

s/ Mike Boyle, President of the Orange County Fire Authority Chief Officer's Association

s/ Joe Kerr, President of the Orange County Professional Firefighters

## REBUTTAL TO ARGUMENT AGAINST MEASURE C

The opponents to Measure C have written arguments that are untrue, irrelevant and redundant. If you repeat false statements over and over again they still don't become the truth.

Measure C redirects 10 million dollars a year of EXISTING proposition 172 sales tax proceeds to the most important projects submitted each year to help KEEP ORANGE COUNTY RESIDENTS SAFE FROM TERRORISM.

Measure C does NOT raise taxes!

Measure C honors the intention of Proposition 172 that the money raised by the sales tax adopted in 1993 should be spent for the benefit of all county residents...not just those served by a regional agency.

Measure C will allow police, firefighters, prosecutors and others to submit requests to a distinguished panel of experts who will annually prioritize those public safety measures which will best protect Orange County from the threat of terrorist attack.

Al Qaeda terrorists are now firing missiles at US Navy ships. Terror cells have been exposed in California. Terrorist leaders have called on Jihadists to sneak into California across the Mexico border. The Governors of Arizona and New Mexico have declared border emergencies because of unchecked illegal immigration.

Measure C helps provide the tools we need to withstand this increasing threat.

Shame on the opponents of this measure for attempting to trivialize this issue!

Please help protect and keep Orange County safe by voting YES on Measure C.

s/ Tom Wilson

Vice Chairman Orange County Board of Supervisors

s/ Gary R. Adams

Lieutenant Colonel (RET) USAR

s/ John "Rocky" Hewitt, Ph.D.

Orange County Assistant Sheriff Retired

s/ Stephen James

President-Southern California Alliance of Law Enforcement

s/ Gregory Palmer

President, Anaheim Police Association

## FULL TEXT OF MEASURE D COUNTY OF ORANGE

The People of the County of Orange, California, ordain:

### Section 1. Title.

This ordinance shall be known and may be cited as the Guaranteed Fire Protection and Firefighter Safety Funding Ordinance.

### Section 2. Findings.

(a) The People of the County of Orange find that it is necessary and appropriate to provide a legislative guarantee that public safety services in Orange County, including fire protection services, are adequately funded to meet the public safety needs of the County.

(b) In 1993, California voters passed Proposition 172 which earmarked one-half cent of the existing sales tax for local public safety services, including law enforcement, prosecutors, and fire protection.

(c) Proposition 172 gives the County the authority to allocate Proposition 172 money among law enforcement, prosecutors, and fire protection. Although Orange County has received approximately 1.8 billion dollars in Proposition 172 money since the passage of Proposition 172, none of this money has been allocated to the Orange County Fire Authority.

(d) It is the desire of the People of the County of Orange that no new taxes be imposed and that the existing public safety sales tax revenues be fairly apportioned so that the Orange County Fire Authority can receive a phased-in level of funding while minimizing the impact on any other eligible public safety service provider in the County.

(e) The People of Orange County recognize that the Orange County Fire Authority is charged with providing fire protection services to the unincorporated area of the County and two-thirds of our cities and urban areas. The Orange County Fire Authority is also responsible for responding to regional fire protection incidents in addition to providing for specialized services, life safety needs, and emergency situations for the benefit of all cities and residents of Orange County.

(f) The Orange County Fire Authority will be a first responder to major wildfires, hazardous materials incidents, and major disasters that occur in the County and throughout Southern California.

(g) In the event of a terrorist incident, the men and women of the Orange County Fire Authority will be among the first to respond to protect the lives and property of Orange County residents as well as residents throughout Southern California.

(h) Due to lack of funding, the Orange County Fire Authority has been forced to keep equipment in use that should have been replaced long ago, including Vietnam era helicopters and aging wildfire fighting trucks.

(i) Firefighters put their lives on the line for our safety and government has the responsibility to ensure that they have the best equipment to enable them to do their work safely and efficiently.

(j) It is the will of the People of Orange County that the Orange County Fire Authority be appropriately funded to provide the highest quality response and ensure the safety and protection of our residents and communities.

(k) This ordinance is intended to guarantee that the Orange County Fire Authority receives an appropriate and fair share of the existing sales tax revenues that are specifically allocated under our State Constitution for funding of public safety services to supplement the revenues needed to provide fire protection services in the County.

(l) Consistent with the provisions of Proposition 172 and the Legislature's implementing legislation, the funds allocated to the Orange County Fire Authority pursuant to the provisions of this ordinance shall be used to supplement the services provided by the Authority and shall not be used to supplant funding for existing programs. In compliance with these requirements, the Authority anticipates using its allocation of funds under this ordinance for two purposes: (a) increasing fire response and paramedic services over the level of services in existence on the effective date of this ordinance; and (b) repairing, replacing, or acquiring emergency response equipment, facilities, and vehicles including water dropping helicopters.

Section 3. Section 1-2-42 is added to the County Code of Orange County to read:

Sec. 1-2-42. Allocations of County Share of Public Safety Augmentation Fund.

#### A. Definitions.

For the purpose of this Ordinance, the following definitions will apply:

"Authority" means the Orange County Fire Authority, a joint powers authority organized under the laws of the State of California, or a successor public agency to the Authority.

"Base Year" means fiscal year 2004 - 05.

"Base Year Amount" means the total amount of the County's Share for fiscal year 2004 - 05.

"County's Share" means the portion of the Fund that is not allocated to cities under the Law.

"Fund" means the Public Safety Augmentation Fund created in the County pursuant to the terms of the Law.

"Law" means the Local Public Safety Fund Law (California Government Code, Title 3, Division 3, Chapter 6.5, Section 3051 *et seq.*), as may be amended from time to time, and as intended as the legislative implementation of Article XIII, Section 35 of the California State Constitution.

#### B. Public Safety Funding.

Pursuant to the provisions of the Law there has been created in the County a Fund that consists of all revenues received by the County pursuant to the Law. The monies in the Fund can only be expended for the purposes and subject to the limitations provided in the Law. The Law requires the County Auditor to make allocations to the cities in the County pursuant to specific provisions in the Law and that all moneys in the Fund that are not distributed to the cities are to be allocated to the County as the County's Share. Commencing on July 1, 2005, the County Auditor shall allocate a portion of the County's Share of the Fund pursuant to the following:

(1) The total amount of the County's Share of the Fund for the Base Year shall be established as the Base Year Amount for the calculation of all future allocations of moneys from the County's Share of the Fund.

(2) For fiscal year 2005 - 06, and for each fiscal year thereafter until the provisions of paragraph (4) below become operative, the Base Year Amount shall be subtracted from the total amount of the County's Share during each such fiscal year and if the resulting number is positive, fifty percent (50%) of that amount will be allocated to the Authority and the remaining fifty percent (50%), as well as the Base Year Amount, will be subject to allocation to eligible public safety providers in the manner provided under the Law.

(3) For fiscal year 2005 - 06 or any year thereafter in which the Base Year Amount is greater than the County's Share, the Auditor shall not make any allocation of Public Safety Augmentation Funds to the Authority for such fiscal year.

(4) The calculations and allocations described in paragraphs (1), (2), and (3) shall continue until such time as the amount paid to the Authority in any fiscal year from the County's Share equals ten percent (10%) of the County's Share and from such day and for each fiscal year thereafter the Auditor shall allocate ten percent (10%) of the County's Share to the Authority and the remaining ninety percent (90%) will be subject to allocation to eligible public safety providers in the manner provided under the Law.

### Section 4. Amendment.

This ordinance shall not be modified, amended, or repealed, except by a majority vote of the electorate.

### Section 5. Conflicts and Competing Measures.

A. In the event this Ordinance conflicts with the terms of any other ordinance, resolution, or policy of the County, this Ordinance shall control.

B. In the event that another measure ("competing measure") appears on the same ballot as this Ordinance which seeks to adopt or impose provisions or requirements that differ in any regard to, or supplement, the provisions or requirements contained in this Ordinance, the voters hereby expressly declare their intent that if both the competing measure and this Ordinance receive a majority of votes cast, and if this Ordinance receives a greater number of votes than the competing measure, this Ordinance shall prevail in its entirety over the competing measure without regard to whether specific provisions of each measure directly conflict with each other.

C. In the event that both the competing measure and this Ordinance receive a majority of votes cast, and the competing measure receives a greater number of votes than this Ordinance, this Ordinance shall be deemed complementary to the competing measure. To this end, and to the maximum extent permitted by law, the provisions of this Ordinance shall be fully adopted except to the extent that specific provisions contained in each measure are deemed to be in direct conflict with each other on a "provision-by-provision" basis pursuant to *Yoshisato v. Superior Court* (1992) 2 Cal. 4th 978.

Section 6. Severability.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The People of Orange County hereby declare that they would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsection, subdivision, sentence, clause, phrase, or portions thereof be declared invalid or unconstitutional.

**IMPARTIAL ANALYSIS BY COUNTY COUNSEL  
MEASURE D**

In 1993, California voters approved the Local Public Safety Protection and Improvement Act of 1993 (Proposition 172), a constitutional amendment, directing that proceeds of a one-half cent statewide sales tax be used only for local public safety services. Qualified counties, including Orange County, receive allocations of Proposition 172 funds from the State. Within each qualified county, the Proposition 172 funds are allocated to cities that provide local public safety services, and the remainder is allocated to the county. Proposition 172 funds must be used for public safety services as specified in California law, including sheriffs, police, fire protection, county district attorneys, county corrections and ocean lifeguards. Currently, Orange County's share of Proposition 172 funds that is not allocated to the cities (the "County's Share") is allocated to the County Sheriff-Coroner and District Attorney for law enforcement services.

The Orange County Fire Authority ("OCFA") is a joint powers authority, serving 43% of the County's total population. Its members consist of 22 of the County's 34 cities and the County. OCFA provides fire protection and emergency medical services in its member cities and the unincorporated area of the County.

If this measure is adopted, a portion of the County's Share would shift to OCFA as follows: Beginning with the 2005-2006 fiscal year and continuing each subsequent fiscal year until the allocation formula changes, the amount of the County's Share for fiscal year 2004-2005 ("Base Year Amount") would be subtracted from the County's Share. If the resulting figure is a positive number, 50% of that amount would be allocated to OCFA, and 50% plus the Base Year Amount would be allocated to the County for allocation to public safety providers as specified in California law. However, for any year that the Base Year Amount is greater than the County's Share, OCFA would not be entitled to receive any of the Proposition 172 funds.

The allocation formula would change once the amount paid to OCFA in any fiscal year equals 10% of the County's Share. Thereafter, 10% of the County's Share would be allocated to OCFA, and 90% would be allocated to the County for allocation to public safety providers as specified in California law. OCFA's allocation of Proposition 172 Funds would be capped at 10% of the County's Share.

The measure provides that Proposition 172 funds allocated to OCFA will be used to supplement services rather than replace funding for existing programs.

The measure states that it would take precedence over competing County ordinances, resolutions and policies and it may be amended or repealed only by a vote of the people.

The measure provides that if this measure and another competing measure each receive a majority of votes cast but this measure receives more votes than the competing measure, the voters intend that this measure will prevail in its entirety, but if a competing measure receives more votes, this measure will be adopted except for any provisions in direct conflict with the competing measure.



**MEASURE D**  
**Initiative Reallocating a Portion of County's Proposition 172 Funds from**  
**the County Sheriff-Coroner and District Attorney to the Orange County Fire Authority**  
**Fiscal Impact Statement**

Based on the Elections Code, this fiscal impact statement is limited to the measure's effect on the "County's" expenditures and revenues. The "County" is defined as those functions governed by the Orange County Board of Supervisors and does not include functions under the control of the Orange County Fire Authority or city councils.

If passed, the measure would transfer funding from the County of Orange to the Orange County Fire Authority. The funding formula for the transfer allocates to the Fire Authority one half of the increase in Proposition 172 sales tax growth up to 10 percent of the total of the Proposition 172 sales tax revenues. This transfer would amount to an estimated \$7,076,754 for fiscal year 2005-06, the first year affected by the ordinance and grow to \$34,591,496 by 2010-11. The County would lose approximately \$333,615,557 earmarked for public safety during the first 11 years of implementation.

In 1993, the California voters approved the Local Public Safety Protection and Improvement Act of 1993 (Proposition 172) as a mitigation measure to offset the impact of the Education Revenue Augmentation Fund ("ERAF") shifts on municipal budgets. In 1992 and 1993, the California Legislature and Governor instructed county auditors to shift the allocation of local property tax revenues from local government to ERAF for the benefit of schools. The allocation formula is based on the proportionate share of net property tax loss due to the ERAF shift. The following table illustrates the relationship between these ERAF shifts and Proposition 172 County revenues:

Year	ERAF	Proposition 172	Variance
1992-93	\$(14,527,988)		\$(14,527,988)
1993-94	(159,328,571)	\$130,357,584	(28,970,987)
1994-95	(157,840,022)	141,143,489	(16,696,533)
1995-96	(158,216,656)	152,494,439	(5,722,217)
1996-97	(159,372,366)	161,186,301	1,813,935
1997-98	(164,444,481)	173,665,323	9,220,842
1998-99	(174,106,932)	184,049,906	9,942,974
1999-00	(188,481,617)	209,748,928	21,267,311
2000-01	(206,551,203)	223,604,856	17,053,653
2001-02	(225,274,561)	213,607,460	(11,667,101)
2002-03	(244,917,635)	219,562,310	(25,355,325)
2003-04	(261,247,391)	236,946,901	(24,300,490)
2004-05	<u>(283,310,895)</u>	<u>262,101,986</u>	<u>(21,208,909)</u>
	<u>\$(2,397,620,318)</u>	<u>\$2,308,469,483</u>	<u>\$(89,150,835)</u>

There are no plans in the State for reducing or eliminating these ERAF shifts. A separate shift, not illustrated in the table above, took \$27,730,861 from the County's 2004-05 budget and will take an additional \$27,730,861 from the 2005-06 budget.

The County's "discretionary" funding for public safety programs is budgeted at \$182,652,995 for 2005-06. When added to Proposition 172 funds, spending for public safety will amount to about \$458,908,488. Accordingly, Proposition 172 funding represents approximately 60 percent of the County's budget used to support the County's public safety programs. The following table illustrates the estimated effects of the measure on the County's public safety programs:

	Estimated Countywide Spending	Estimated Countywide Public Safety Reductions Under the Measure		Estimated Countywide Public Safety Spending	Estimated Countywide Public Safety Reductions Under the Measure
			2010-11	\$532,000,713	\$34,591,496
2005-06	\$458,908,488	\$7,076,754	2011-12	547,960,734	36,182,705
2006-07	472,675,743	13,430,630	2012-13	564,399,556	37,847,109
2007-08	486,856,015	20,076,785	2013-14	581,331,543	39,588,076
2008-09	501,461,696	27,028,662	2014-15	598,771,489	41,409,128
2009-10	516,505,547	33,070,264	2015-16	<u>616,734,634</u>	<u>43,313,948</u>
				<u>\$5,877,606,158</u>	<u>\$333,615,557</u>

The transfer of \$333,615,557 would amount to a 5.7 percent reduction in County funding available for its countywide public safety programs over the first 11 years of implementation.

David E. Sundstrom  
County Auditor-Controller

## ARGUMENT IN FAVOR OF MEASURE D

***The firefighters' Measure D does not raise any taxes.*** In 1993, while homes burned in Laguna Beach, voters in Orange County adopted Proposition 172, which extended a half-cent sales tax to be used exclusively to fund ***fire protection***, police, and other public safety programs. As indicated in the statewide ballot pamphlet argument printed in favor of Proposition 172, the voters were ***promised*** that a portion of Proposition 172 funds would go to ***fire protection***.

Since the passage of Proposition 172, over \$2 billion in funds have been given to the County, yet the Board of Supervisors has failed to provide one penny from the Proposition 172 fund for fire protection.

As a result of this, your Orange County Fire Authority firefighters rely upon aging equipment such as Vietnam-era helicopters and twenty-year-old fire engines. A more serious concern is that over half of your Orange County Fire Authority fire stations are understaffed.

The firefighters' **Measure D** forces the Board of Supervisors to honor a promise made to voters in 1993 by providing that 10% of future growth in Proposition 172 funds will be allocated to the Orange County Fire Authority, the County's fire department that serves over 1.3 million residents county wide and provides specialized emergency services to virtually every city in Orange County.

The demands placed upon your firefighters have never been greater. Firefighters provide emergency response capabilities to potential terrorist attacks, including biological and hazardous materials response crews. This measure will improve paramedic response times and make our communities safer from the threat of fire.

**This measure will not reduce current funding for law enforcement in any way.**

Your firefighters have always been there for you. Today, they need your help. Please vote **YES ON FIREFIGHTERS' MEASURE D**.

s/ Ken Blake, Mayor of the City of La Palma

s/ James Lacy, Dana Point City Council

s/ State Senator Bill Morrow

s/ Mike Boyle, President of the Orange County Fire Authority Chief Officer's Association

s/ Joe Kerr, President of the Orange County Professional Firefighters

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE D

The proponents of Measure D should be ashamed of their misleading ballot argument. Here are the facts about Measure D and the Orange County Fire Authority.

**FACT:** Measure D is a tax grab that will **REDUCE** law enforcement services for every community throughout Orange County.

**FACT:** The Fire Authority is a special district serving only 43% of Orange County residents, yet they want to collect tax money from 100% of Orange County taxpayers. That's why Orange County taxpayers **OPPOSE** Measure D.

**FACT:** Eliminating law enforcement patrols and criminal prosecutors in our courts will result in **INCREASED CRIME** for many Orange County communities. That's why police officers, district attorneys, deputy sheriffs, senior citizens and crime victims **OPPOSE** Measure D.

**FACT:** The Fire Authority was **NOT** promised Proposition 172 funds in 1993. These tax monies are paid by all Orange County taxpayers and are used for countywide public safety services—not regional fire authority bureaucracies. That's why our elected County Supervisors unanimously **OPPOSE** Measure D.

**FACT:** The Fire Authority has a substantial budget surplus. If their fire stations are truly understaffed, then why did the Fire Authority recently spend \$50 million to build a new luxury Administration Building that even their own ballot signer, Joe Kerr, called a "multi-million-dollar Taj Mahal"? The Fire Authority needs more financial accountability, **NOT** more of our tax dollars!

Stop the Fire Authority tax grab and support public safety protection for ALL of Orange County. **VOTE NO** on Measure D.

s/ Bill Campbell  
Chairman, Orange County Board of Supervisors

s/ Todd Spitzer  
State Assembly Member

s/ Tony Rackauckas  
Orange County District Attorney

s/ Mark Nichols  
Chairman-O. C. Coalition of Police and Sheriff's

s/ Erin D. Runnion  
Founder, The Joyful Child Foundation - In Memory of Samantha Runnion

## ARGUMENT AGAINST MEASURE D

Crime Victims, Police, Deputy Sheriffs, Prosecutors, Senior Citizens and Orange County Taxpayers urge you to VOTE NO on Measure D.

Measure D is a money grab by bureaucrats at the Fire Authority that would put the safety and security of Orange County residents at risk by diverting tens of millions of our tax dollars away from law enforcement and threatening the County's financial stability.

CRIME VICTIMS OPPOSE Measure D because it would reduce the number of deputy sheriffs patrolling our neighborhoods and schools. Fewer sheriff patrols mean less protection for our children, our families and our homes.

POLICE and DEPUTY SHERIFFS OPPOSE Measure D because it would lead to increased crime in our communities. By eliminating as many as 210 sheriff's positions, including frontline patrol officers, Measure D would seriously erode county law enforcement's ability to prevent crime and combat lawbreakers.

PROSECUTORS OPPOSE Measure D because it would take away resources they need to put sexual predators, gang members and other violent criminals behind bars.

SENIOR CITIZENS OPPOSE Measure D because it would leave our elderly population at a greater risk of exploitation from criminal offenses such as identity theft.

TAXPAYERS OPPOSE Measure D because it would cut county law enforcement services by \$30 million dollars per year or lead to higher taxes for county residents.

An Independent Financial Impact Analysis conducted in September found that Measure D would force Orange County to reduce its law enforcement services by 10%. The study also determined that "all cities in Orange County will be impacted by reductions in Sheriff's Department and District Attorney's Office public safety services."

The people of Orange County cannot allow the greed of a handful of Fire Authority bureaucrats to jeopardize our safety and our quality of life.

Please VOTE NO on Measure D.

s/ Bill Campbell  
Chairman, Orange County Board of Supervisors

s/ Tom McClintock  
State Senator

s/ Tony Rackauckas  
Orange County District Attorney

s/ Mark Nichols  
Chairman-Orange County Coalition of Police and Sheriff's

s/ Erin D. Runnion  
Founder, The Joyful Child Foundation - In Memory of Samantha Runnion

## REBUTTAL TO ARGUMENT AGAINST MEASURE D

**Don't be fooled by County bureaucrats and their same old scare tactics.**

No Deputy Sheriff or member of the District Attorney's Office will lose their job because of **Firefighters' Measure D**. The Superior Court rejected similar arguments promoted by County bureaucrats, and so should you.

**Firefighters' Measure D** won't raise taxes. **Firefighters' Measure D** will increase paramedic service to all our residents, including senior citizens.

**Firefighters' Measure D** will replace 20 year old fire engines, Vietnam era helicopters and aging facilities.

**Firefighters' Measure D** ensures that your fire fighters remain on the front lines against the increasing risk of terrorist attacks and to protect innocent lives who might become victims of terrorist events.

**Firefighters' Measure D** requires the Board of Supervisors to follow the instructions voters gave them in 1993, during the devastating fire storms in Laguna Beach, Anaheim, Orange and Newport Coast.

**Firefighters' Measure D** requires the Board of Supervisors to share Proposition 172 funds with fire protection.

While he has since flip-flopped, in 1998, Sheriff Mike Carona said, "We will stand shoulder to shoulder," to support the fair and equitable redistribution of Proposition 172 funds. Join citizens, fire fighters and fire chiefs in supporting **Firefighters' Measure D**.

For more information go to: [www.Firefightersforpublicsafety.com](http://www.Firefightersforpublicsafety.com)

When you need fire fighters, they are there to help you. Now, your fire fighters and paramedics need your help.

Please vote **YES ON FIREFIGHTERS' MEASURE D**.

s/ Ken Blake, Mayor of the City of La Palma

s/ James V. Lacy, Dana Point City Council

s/ Richard Chavez, Mayor Pro Tem of the City of Anaheim

s/ Mike Boyle, President of the Orange County Fire Authority Chief Officer's Association

s/ Joe Kerr, President of the Orange County Professional Firefighters' Association

**FULL TEXT OF MEASURE E  
COUNTY OF ORANGE**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA

THE PEOPLE OF THE COUNTY OF ORANGE HEREBY ORDAIN AND  
ENACT AS FOLLOWS:

**SECTION 1. TITLE**

This ordinance shall be known and may be cited as AN ORDINANCE TO REALLOCATE PUBLIC SAFETY SALES TAX FUNDS TO THE OPERATION OF JUVENILE DETENTION FACILITIES AND MONITORING OF JUVENILE OFFENDERS AND ADULT CRIMINALS ON PROBATION BY THE ORANGE COUNTY PROBATION DEPARTMENT.

**SECTION 2. FINDINGS AND DECLARATIONS**

- (a) The Local Public Safety Protection and Improvement Act of 1993, established by Proposition 172, codified at Article 13, Section 35 of the California Constitution, provides funding for local public safety services through imposition of a one-half cent sales tax.
- (b) Proposition 172 funding was intended to make up for the loss of county and city revenue resulting from 1992 State legislation that shifted property tax revenue from counties and cities to the Education Revenue Augmentation Fund ("ERAF") to help fund schools.
- (c) In Fiscal Year 2003-2004 the revenue lost to the County of Orange because of the ERAF shift was over \$261 million.
- (d) The Orange County Fire Department, now the Orange County Fire Authority, was exempt from the ERAF shift and for Fiscal Year 2003-2004 lost no revenue as a result of ERAF.
- (e) Proposition 172, as implemented, gives authority to the County to allocate Proposition 172 sales tax revenues to public safety services.
- (f) The County currently allocates its Proposition 172 funds to the Sheriff's Department and the District Attorney's Office that both lost funding because of the ERAF shift and not to the Orange County Fire Authority that was exempt from the ERAF shift and lost no revenues because of ERAF.
- (g) It is the desire of the People of the County of Orange that no new taxes be imposed and that the County's Proposition 172 sales tax revenues be apportioned so that the Orange County Probation Department can receive increased funding.
- (h) The Orange County Probation Department is responsible for monitoring adult criminals and juvenile offenders, detaining juvenile offenders, enforcing court orders and collecting restitution for victims of crime across the county.
- (i) In 2004 the Probation Department actively supervised a monthly average of some 9,856 high-risk adult criminals, including sex offenders, and 4,182 juvenile offenders. The Probation Department discontinued supervision of 3,200 adult criminals in Fiscal Year 2003-2004 due to budget cuts that reduced its funding.
- (j) Daily there are approximately 800 juvenile offenders housed in the Probation Department's juvenile detention facilities. The Probation Department's Juvenile Court Division processes a monthly average of 375 juveniles for detention and 700 for supervision and conducts a monthly average of 130 investigations for the court. The Probation Department's Adult Court Division conducts a monthly average of 81 investigations for the court. There are over 450 adult sex offenders under the Probation Department's supervision and some 550 serious gang cases are under investigation by its Gang Violence Suppression Unit. The Probation Department confiscated 669 weapons in 2004.
- (k) California Elections Code section 9221 provides that if the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control.
- (l) This Ordinance is intended to be in conflict with and inconsistent with each and every provision, and is intended as an alternative to, the "Initiative Reallocating a Portion of County Proposition 172 Funds from the County Sheriff-Coroner and District Attorney to the Orange County Fire Authority". Further, the People do intend that this ordinance is in conflict with and is not complementary to any other measure on the same ballot that allocates any portion of the County's Proposition 172 sales tax revenues. *Taxpayers to Limit Campaign Spending v. FPPC*, 51 Cal. 3d 744 (1990); *Concerned Citizens v. City of Carlsbad*, 204 Cal. App. 3d 937 (1988).

SECTION 3. Section 1-2-42 is added to the Codified Ordinances of Orange County to read:

Sec. 1-2-42. Allocations of County's Share of Public Safety Augmentation Fund.

**A. Definitions.**

For the purpose of this Ordinance, the following definitions will apply:

"County" means County of Orange.

"County's Share" means the portion of the Fund that is not allocated to cities under the Law.

"Department" means the Orange County Probation Department.

"Fund" means the Public Safety Augmentation Fund created in the County Treasury pursuant to the terms of the Law.

"Law" means the Local Public Safety Fund Law (California Government Code, Title 3, Division 3, Chapter 6.5, Section 3051 *et seq.*), as may be amended from time to time, and as intended as the legislative implementation of Article XIII, Section 35 of the California State Constitution.

**B. Public Safety Funding.**

The Fund consists of all revenues received by the County pursuant to the Law. The monies in the Fund can only be expended for the purposes and subject to the limitations provided in the Law. The Law requires the County Auditor to make allocations to the cities in the County pursuant to specific provisions in the Law and that all monies in the Fund that are not distributed to the cities are to be allocated to the County as the County's Share. Commencing on January 1, 2006, and each fiscal year thereafter, the County Auditor shall allocate five percent (5%) of the County's Share to the Department and the remaining ninety-five percent (95%) of the County's Share shall be allocated to public safety services as defined by the law.

**SECTION 4. AMENDMENT**

This ordinance shall not be modified, amended, or repealed, except by a majority vote of the electorate.

**SECTION 5. CONFLICTS AND COMPETING MEASURES**

Notwithstanding any provision in any other measure on the same ballot, this Ordinance is in conflict and inconsistent with every provision of, and is intended as an alternative to, the "Initiative Reallocating a Portion of the County Proposition 172 Funds from the County Sheriff-Coroner and District Attorney to the Orange County Fire Authority" or any other competing measures that purport to allocate any portions of the County's Proposition 172 sales tax revenue.

**SECTION 6. SEVERABILITY**

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The People of Orange County hereby declare that they would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsection, subdivision, sentence, clause, phrase, or portions thereof be declared invalid or unconstitutional.

**IMPARTIAL ANALYSIS BY COUNTY COUNSEL  
MEASURE E**

In 1993, California voters approved the Local Public Safety Protection and Improvement Act of 1993 (Proposition 172), a constitutional amendment, directing that proceeds of a one-half cent statewide sales tax be used only for local public safety services. Qualified counties, including Orange County, receive allocations of Proposition 172 funds from the State. Within each qualified county, the Proposition 172 funds are allocated to cities that provide local public safety services, and the remainder is allocated to the county. Proposition 172 funds must be used for public safety services as specified in California law, including sheriffs, police, fire protection, county district attorneys, county corrections and ocean lifeguards. Currently, Orange County's share of Proposition 172 funds that is not allocated to the cities (the "County's Share") is allocated to the County Sheriff-Coroner and District Attorney for law enforcement services. The County Probation Department does not receive any Proposition 172 funds.

If this measure is adopted, beginning on January 1, 2006 and for each subsequent fiscal year, 5% of the County's Share would be shifted to the Probation Department. The remaining 95% of the County's Share would be available for allocation by the County to public safety services as specified in California law, including sheriffs, police, fire protection, county district attorneys, county corrections and ocean lifeguards.

The measure states that it may be amended or repealed only by a vote of the people.

The measure provides that it is in conflict with and intended as an alternative to competing measures on the ballot that allocate any portion of the County's Proposition 172 funds, including the Initiative Reallocating a Portion of the County's Proposition 172 Funds From the County Sheriff-Coroner and District Attorney to the Orange County Fire Authority (Measure D).

# MEASURE E

## Ordinance to Reallocate Public Safety Sales Tax Funds to the Operation of Juvenile Detention Facilities and Monitoring of Juvenile Offenders and Adult Criminals on Probation by the Orange County Probation Department Fiscal Impact Statement

If passed, there would be no overall fiscal effect to the amount of revenues available to support countywide public safety programs provided by the County of Orange (County). The measure would allocate 5 percent of the County's Share of Proposition 172 funds to the County Probation Department commencing on January 1, 2006. There would be no administrative costs to the County to implement the measure.

In 1993, the California voters approved the Local Public Safety Protection and Improvement Act of 1993 (Proposition 172) as a mitigation measure to offset the impact of the Education Revenue Augmentation Fund ("ERAF") shifts on municipal budgets. In 1992 and 1993, the California Legislature and Governor instructed county auditors to shift the allocation of local property tax revenues away from local government to ERAF for the benefit of schools. The allocation formula is based on the proportionate share of net property tax loss due to the ERAF shifts. The following table illustrates the relationship between these shifts and Proposition 172 revenues for the County:

Year	ERAF	Proposition 172	Variance
1992-93	\$(14,527,988)	--	\$(14,527,988)
1993-94	(159,328,571)	\$130,357,584	(28,970,987)
1994-95	(157,840,022)	141,143,489	(16,696,533)
1995-96	(158,216,656)	152,494,439	(5,722,217)
1996-97	(159,372,366)	161,186,301	1,813,935
1997-98	(164,444,481)	173,665,323	9,220,842
1998-99	(174,106,932)	184,049,906	9,942,974
1999-00	(188,481,617)	209,748,928	21,267,311
2000-01	(206,551,203)	223,604,856	17,053,653
2001-02	(225,274,561)	213,607,460	(11,667,101)
2002-03	(244,917,635)	219,562,310	(25,355,325)
2003-04	(261,247,391)	236,946,901	(24,300,490)
2004-05	<u>(283,310,895)</u>	<u>262,101,986</u>	<u>(21,208,909)</u>
	<u>\$(2,397,620,318)</u>	<u>\$2,308,469,483</u>	<u>\$(89,150,835)</u>

There are no plans in the State for reducing or eliminating these ERAF shifts. A separate shift, not illustrated in the table above, took \$27,730,861 from the County's 2004-05 budget and will take an additional \$27,730,861 from the 2005-06 budget.

This measure would not affect the total funding for the County's public safety programs. It would, however, allocate 5 percent of the County's share of Proposition 172 revenues to the County Probation Department. The following table illustrates those allocations. Future Proposition 172 revenues are based on a Chapman University forecast.

	Estimated Proposition 172 Sales Tax Revenues	Estimated Allocations to The County Probation Department		Estimated Proposition 172 Sales Tax Revenues	Estimated Allocations to The County Probation Department
2004-05	\$262,101,986	--	2010-11	345,914,960	17,295,748
2005-06	276,255,493	\$6,906,387	2011-12	361,827,049	18,091,352
2006-07	288,963,246	14,448,162	2012-13	378,471,093	18,923,555
2007-08	302,255,555	15,112,778	2013-14	395,880,763	19,794,038
2008-09	316,159,311	15,807,966	2014-15	414,091,278	20,704,564
2009-10	330,702,639	16,535,132	2015-16	433,139,477	<u>21,656,974</u>
			Eleven Year Total		<u>\$185,276,656</u>

If passed, this measure would require that approximately \$185,276,656 of the County's share of Proposition 172 revenues be allocated to the Orange County Probation Department over the next eleven years.

David E. Sundstrom  
County Auditor-Controller



## ARGUMENT IN FAVOR OF MEASURE E

YOUR YES VOTE ON MEASURE E CAN HELP KEEP THE LID ON REPEAT VIOLENT OFFENDERS THROUGHOUT ORANGE COUNTY.

The Orange County Probation Department is responsible for monitoring adult criminals and juvenile offenders. In 2004 the Probation Department actively supervised a monthly average of 9,856 high-risk adult criminals, including sex offenders. Due to a lack of funding the Probation Department discontinued supervision of 3200 adult criminals in fiscal year 2003-2004

Currently the Orange County Probation Department receives none of the Proposition 172 sales tax revenue for Public Safety services. If Measure E is adopted by Orange County voters the Probation Department will receive 5% of Orange County's share of the Public Safety Funds.

These funds will help restore programs that are CRITICAL FOR PUBLIC SAFETY. Remember, unlike the Orange County Fire Authority and other special districts, the Orange County Probation Department does not have the luxury of receiving a dedicated percentage of property taxes... a windfall of funding in Orange County's escalating real estate market.

The Probation Department is on the front lines of combating crime in Orange County. Currently 550 serious gang cases are under investigation by its Gang Violence Suppression Unit. In 2004 the Probation Department confiscated 669 weapons.

The Probation Department is currently supervising over 450 adult sex offenders.

There are other important functions carried out by the Orange County Probation Department. The Probation Department's Juvenile Court Division processes a monthly average of 375 juveniles for detention and 700 for supervision.

All of these responsibilities need to be successfully maintained to help keep Orange Countians safe.

PLEASE VOTE YES ON MEASURE E for the sake of public safety. 5% of the Proposition 172 funds can make a big difference in allowing the Orange County Probation Department to have the financial support it needs to do its job.

s/ Bill Campbell  
Chairman, Orange County Board of Supervisors

s/ Michael Schumacher  
Former Orange County Chief Probation Officer

s/ Melissa Manning Alsop  
Member, Concerns of Police Survivors

s/ Michael Carre  
Retired Assistant Chief Orange County District Attorney's Office  
Bureau of Investigation

s/ Alexandria Coronado  
President, Orange County Board of Education

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE E

The Board of Supervisors has received over **TWO BILLION DOLLARS** from Proposition 172 and not one single penny has gone to fire protection services from this fund.

Fire fighters shouldn't be penalized for the mis-management of your tax dollars.

This isn't an issue between fire fighters and the valuable service provided by the Probation Department. The issue is honoring the **promise** of Proposition 172 — of honoring the voters' intent — that fire fighters and paramedics receive a fair share of Proposition 172 funds.

Measure E actually allows the Board of Supervisors to **continue to break the promise** of Proposition 172 by diverting essential dollars for needed fire protection and paramedic services to other departments within County government.

This isn't right, it isn't fair and it isn't what the voters intended when they passed Proposition 172 in 1993, in the wake of the devastating Laguna Beach fire storms.

For more information go to:

[www.firefightersforpublicsafety.com](http://www.firefightersforpublicsafety.com)

Your paramedics and fire fighters have always been there for you; today they need your help.

Please vote No on Measure E.

s/ Ken Blake, Mayor of the City of La Palma

s/ James V. Lacy, Dana Point City Council

s/ Richard Chavez, Mayor Pro Tem of the City of Anaheim

s/ Mike Boyle, President of the Orange County Fire Authority Chief Officer's Association

s/ Joe Kerr, President of the Orange County Professional Firefighters' Association

## ARGUMENT AGAINST MEASURE E

Don't be fooled by the Supervisors' attempts to trick you. ***This measure may lead to new taxes.*** Measure E does not provide a single penny for fire fighters. Measure E was placed on the ballot by the Supervisors to confuse you.

In 1993, while homes burned in Laguna Beach, voters in Orange County adopted Proposition 172, which extended a half-cent sales tax to be used exclusively to fund ***fire protection***, police and other public safety programs. As indicated in the statewide ballot pamphlet argument printed in favor of Proposition 172, the voters were ***promised*** that a portion of Proposition 172 funds would go to ***fire protection***.

Since the passage of Proposition 172, over \$2 billion in funds have been given to the County, yet the Supervisors have failed to provide a single penny from the Proposition 172 funds for fire protection.

Measure E ***does not provide a single penny for increased paramedic service, or fire protection.*** The only thing it does is allow the Supervisors to break a promise made to the voters in 1993 that fire fighters would receive some of the Proposition 172 funds.

Because of the Supervisors' refusal to provide a single penny of Proposition 172 funds for fire protection, your Orange County Fire Authority firefighters are forced to use aging equipment and over half of your Orange County Fire Authority fire stations are understaffed.

Your fire fighters and paramedics have always been there for you. Today they need your help.

Please vote **NO ON MEASURE E.**

s/ Ken Blake, Mayor of the City of La Palma

s/ James Lacy, Dana Point City Council

s/ State Senator Bill Morrow

s/ Mike Boyle, President of the Orange County Fire Authority Chief Officer's Association

s/ Joe Kerr, President of the Orange County Professional Firefighters

## REBUTTAL TO ARGUMENT AGAINST MEASURE E

Your YES VOTE on Measure E will make our neighborhoods and schools safer.

Unlike the Orange County Fire Authority, the Orange County Probation Department is a county-wide agency providing important public safety services across Orange County...not just a regional agency for just 43% of Orange County's population.

Unlike this regional Fire Authority, the Orange County Probation Department does not receive dedicated and guaranteed property tax revenue.

Unlike this regional Fire Authority, the Orange County Probation Department is not trying to double-dip by collecting both dedicated property taxes and Proposition 172 sales tax money.

Your YES VOTE on Measure E will guarantee that 5% of existing Proposition 172 sales tax money will be directed to shore-up the Probation Department's insufficient funding.

Remember your Orange County Probation Department is on the front lines fighting crime across Orange County:

Measure E provides vital resources for gang suppression.

Measure E provides more funding to monitor sex offenders.

Measure E helps get guns out of the hands of criminals.

The Orange County Fire Authority is so flush with money that they were able to construct a lavish \$50 million dollar office complex. Now they want even more money so they can continue their wasteful spending.

Measure E will guarantee that Proposition 172 money is spent how it was originally intended – to keep us safe. VOTE YES on Measure E.

s/ Bill Campbell  
Chairman, Orange County Board of Supervisors

s/ Michael Schumacher  
Orange County Chief Probation Officer Retired

s/ Melissa Manning Alsop  
Member, Concerns of Police Survivors

s/ Michael Carre  
Retired Assistant Chief, Orange County District Attorney's Office  
Bureau of Investigation

s/ Alexandria Coronado  
President, Orange County Board of Education